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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 8, 2000. At the time of the Office Action, Claims 1-80 were pending in the application. In the Office Action, the Examiner rejects Claims 1-80. In order to advance and expedite prosecution of this Application, Applicants amend Claims 1, 16, 21, 36, 41, 51, 56-66, 71, and 76 and new Claims 81-90 have been added. Applicants cancel without prejudice or disclaimer Claims 13 and 33. Applicants respectfully request reconsideration and favorable action in this case.

DRAWING OBJECTIONS

The Examiner objected to the drawings under 37 C.F.R. § 1.84(g) and 1.48(p). An amended FIGURE 2, correcting poor line quality, is submitted for the approval of the Examiner and the Official Draftsman. Additionally, amended FIGURES 5 and 6, correcting margins, are submitted for the approval of the Examiner and the Official Draftsman.

SECTION 112 REJECTIONS

The Examiner rejects Claims 13 and 33 under 35 U.S.C. § 112, p. 1, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains. Claims 13 and 33 have been cancelled without prejudice or disclaimer.

SECTION 102 REJECTIONS

The Examiner rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78, and 80 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,726,984 issued to Kubler, et al. (hereinafter referred to as "*Kubler*"). The Examiner also rejects Claims 41-46, 50-54, 56-61, 65-69, 71-73, 75-78, and 80 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,605,737 issued to Iwami, et al. (hereinafter referred to as "*Iwami*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Amended Independent Claim 1 recites "facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal." *Kubler* does

not teach or suggest, and it is not inherent from *Kubler*, Applicants' invention as set forth in Amended Claim 1. *Iwami* does not teach or suggest, and it is not inherent from *Iwami*, Applicants' invention as set forth in Amended Claim 1.

The Examiner asserts that *Kubler* discloses a system capable of performing state-based signaling on behalf of a stateless client. But *Kubler* does not disclose a media stream communications session, comprised of packets, using an IP-based network. In contrast, *Kubler* teaches a device that connects to the network through "a conventional telephone switching network (not shown)." *Kubler*, c. 99, ll. 52-55. Any communication in *Kubler* occurs over a "conventional phone service" that provides "conventional call processing via the telephone line." *Id.*, c. 99, l. 65 to c. 100, l. 7. Therefore, *Kubler* clearly does not contemplate a media stream communications session comprised of packets exchanged between said stateless client and said state-based terminal.

The Examiner further asserts that *Iwami* discloses a system capable of performing state-based signaling on behalf of a stateless client. But *Iwami* does not disclose a media stream communications session, comprised of packets, using a packet-based network. In contrast, *Iwami* teaches "voice information transmitted through the public network" from a device. *Iwami*, c. 10, l. 37. Additionally, any communication in *Iwami* occurs between a terminal and "a telephone 2 connected to the public network 3 (FIG. 1)." *Id.*, c. 11, ll. 22-23. Consequently, *Iwami* clearly does not contemplate a media stream communications session comprised of packets exchanged between said stateless client and said state-based terminal.

For at least these reasons, Applicants respectfully request reconsideration of the rejection of Claim 1 and its dependents under 35 U.S.C. § 102 as being unpatentable over *Kubler* or *Iwami*. Amended independent Claims 16, 21, 36, 41, 51, 56, 66, 71, and 76 contain recitations of similar scope and are patentable for similar reasons. Applicants respectfully request withdrawal of the rejection and favorable action with respect to Amended Claims 1, 16, 21, 36, 41, 51, 56, 66, 71, and 76 and their dependents.

#### SECTION 103 REJECTIONS

The Examiner rejects Claims 10 and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Kubler* in view of U.S. Patent No. 5,724,355 issued to Bruno, et al. (hereinafter referred to as "*Bruno*"). The Examiner also rejects Claims 74 and 79 under 35 U.S.C. § 103(a) as being unpatentable over *Kubler*. The Examiner further rejects Claims 7-8,

27-28, 48-49, and 63-64 under 35 U.S.C. § 103(a) as being unpatentable over *Kubler* in view of U.S. Patent No. 5,732,078 issued to Arango (hereinafter referred to as "*Arango*"). The Examiner further rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62, and 70 under 35 U.S.C. § 103(a) as being unpatentable over *Iwami*. Applicants respectfully traverse these rejections for the reasons discussed below.

The Examiner asserts that it would have been obvious to one skilled in the art to apply *Bruno* to the system described in *Kubler*. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); *MPEP* § 2143.01. Applicants respectfully submit that the combination of *Kubler* and *Bruno* is improper, and even if proper fails to disclose or suggest Applicants' invention. *Kubler* suffers from the limitations discussed above, and *Bruno* adds nothing to these teachings to suggest Applicants' invention in dependent Claim 10.

Amended independent Claim 21 and its dependent Claim 30 contain recitations of similar scope and is patentable for similar reasons. Thus, neither *Kubler* nor *Bruno*, alone or in combination, teach or suggest all elements of Claims 10 and 30. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection for dependent Claims 10 and 30.

The Examiner rejects Claims 74 and 79 under 35 U.S.C. § 103 as being unpatentable over *Kubler*. Applicants respectfully submit that *Kubler* does not teach or suggest, and it is not inherent from *Kubler*, Applicants' invention as set forth in amended independent Claims 71 and 76. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection for dependent Claims 74 and 79.

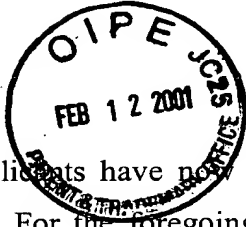
The Examiner rejects dependent Claims 7-8, 27-28, 48-49, and 63-64 under 35 U.S.C. § 103(a) as being unpatentable over *Kubler* in view of *Arango*. The Examiner asserts that *Kubler* differs from the claims in that *Kubler* does not teach that a portion of the media stream traverse a path without the server. Applicants respectfully submit that the combination of *Kubler* and *Arango* is improper, and even if proper fails to disclose or suggest Applicants' invention. *Kubler* suffers from the limitations discussed above, and *Arango* adds nothing to these teachings to suggest Applicants' invention in independent Claim 1.

Amended independent Claims 16, 21, 41, and 56 contain recitations of similar scope and are patentable for similar reasons. Thus, neither *Kubler* nor *Arango*, alone or in

combination, teach or suggest all elements of Claims 7-8, 27-28, 48-49, and 63-64. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection for dependent Claims 7-8, 27-28, 48-49, and 63-64.

The Examiner asserts that *Iwami* discloses a system capable of performing state-based signaling on behalf of a stateless client and that it would be obvious to one skilled in the art to use the IP protocol for the packet network. But *Iwami* does not disclose a media stream communications session, comprised of packets, using an IP-based network. In contrast, *Iwami* teaches “voice information transmitted through the public network.” *Iwami*, c. 10, l. 37. Additionally, any communication in *Iwami* occurs between a terminal and “a telephone 2 connected to the public network 3 (FIG. 1).” *Id.*, c. 11, ll. 22-23. Consequently, *Iwami* clearly does not contemplate a media stream communications session comprised of packets using an IP-based network.

For at least these reasons, Applicants respectfully request reconsideration of the rejection of Claim 1 and claims dependent therefrom under 35 U.S.C. § 103 as being unpatentable over *Iwami*. Amended Independent Claims 16, 21, 36, 41, 51, 56, and 66 contain recitations of similar scope and are patentable for similar reasons. Applicants respectfully request withdrawal of the rejection and favorable action with respect to Amended Claims 1, 16, 21, 36, 41, 51, 56, and 66 and all claims depending therefrom.



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CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration of the Examiner's rejection and allowance of all pending Claims. If the Examiner believes a telephone conference would advance prosecution of this case, the undersigned attorney for Applicants, Barton E. Showalter, stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Showalter may be reached at (214) 953-6509.

With the presentation of the additional claims, an additional filing fee is now due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$366.00 to satisfy the fee requirements under 37 C.F.R. § 1.16(b). If, however, Applicants have miscalculated the fees due with this response, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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